

**19 §§ 1831 to 1833 TRADE EXPANSION PROGRAM Ch. 7
Repealed**

Section 1833, Pub.L. 87-794, Title II, § 213, Oct. 11, 1962, 76 Stat. 874, made special provision for trade agreements covering tropical agricultural and forestry commodities.

PART III—REQUIREMENTS CONCERNING NEGOTIATIONS

§§ 1841 to 1846. Repealed. Pub.L. 93-618, Title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Historical Note

Section 1841, Pub.L. 87-794, Title II, § 221, Oct. 11, 1962, 76 Stat. 874, made provision for the giving of advice by the Tariff Commission (now the United States International Trade Commission) concerning trade agreements. See section 2151 of this title.

Section 1842, Pub.L. 87-794, Title II, § 222, Oct. 11, 1962, 76 Stat. 875, made provision for the giving of advice by other sources concerning trade agreements. See section 2152 of this title.

Section 1843, Pub.L. 87-794, Title II, § 223, Oct. 11, 1962, 76 Stat. 875, provided for public hearings in connection with proposed trade agreements. See section 2153 of this title.

Section 1844, Pub.L. 87-794, Title II, § 224, Oct. 11, 1962, 76 Stat. 875, set out prerequisites for offers for modification or continuance of duties or other import restrictions, or continuance of duty-free or excise treatment. See section 2154 of this title.

Section 1845, Pub.L. 87-794, Title II, § 225, Oct. 11, 1962, 76 Stat. 876, provided for the reservation of articles from trade negotiations. See section 2137 of this title.

Section 1846, Pub.L. 87-794, Title II, § 226, Oct. 11, 1962, 76 Stat. 876, provided for the transmission of agreements to Congress. See section 2212 of this title.

PART IV—NATIONAL SECURITY

§ 1861. Repealed. Pub.L. 93-618, Title VI, § 602(d), Jan. 3, 1975, 88 Stat. 2072

Historical Note

Section Pub.L. 87-794, Title II, § 231, Oct. 11, 1962, 76 Stat. 876; Pub.L. 88-205, pt. IV, § 402, Dec. 16, 1963, 77 Stat. 390, covered products of Communist countries or areas.

§ 1862. Safeguarding national security

Prohibition on decrease or elimination of duties or other import restrictions if such reduction or elimination would threaten to impair national security

(a) No action shall be taken pursuant to section 1821(a) of this title or pursuant to section 1351 of this title to decrease or eliminate the duty or other import restriction on any article if the President determines that such reduction or elimination would threaten to impair the national security.

Investigations by Secretary of Commerce to determine effects on national security of imports of articles; hearings; report to President; adjustment of imports

(b) Upon request of the head of any department or agency, upon application of an interested party, or upon his own motion, the Sec-

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retary of the Commerce (hereinafter referred to as the "Secretary") shall immediately make an appropriate investigation, in the course of which he shall seek information and advice from, and shall consult with, the Secretary of Defense and other appropriate officers of the United States, to determine the effects on the national security of imports of the article which is the subject of such request, application, or motion. The Secretary shall, if it is appropriate and after reasonable notice, hold public hearings or otherwise afford interested parties an opportunity to present information and advice relevant to such investigation. The Secretary shall report the findings of his investigation under this subsection with respect to the effect of the importation of such article in such quantities or under such circumstances upon the national security and, based on such findings, his recommendation for action or inaction under this section to the President within one year after receiving an application from an interested party or otherwise beginning an investigation under this subsection. If the Secretary finds that such article is being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security, he shall so advise the President and the President shall take such action, and for such time, as he deems necessary to adjust the imports of such article and its derivatives so that such imports will not threaten to impair the national security, unless the President determines that the article is not being imported into the United States in such quantities or under such circumstances as to threaten to impair the national security.

Domestic production for national defense; impact of foreign competition on economic welfare of domestic industries

(c) For the purposes of this section, the Secretary and the President shall, in the light of the requirements of national security and without excluding other relevant factors, give consideration to domestic production needed for projected national defense requirements, the capacity of domestic industries to meet such requirements, existing and anticipated availabilities of the human resources, products, raw materials, and other supplies and services essential to the national defense, the requirements of growth of such industries and such supplies and services including the investment, exploration, and development necessary to assure such growth, and the importation of goods in terms of their quantities, availabilities, character, and use as those affect such industries and the capacity of the United States to meet national security requirements. In the administration of this section, the Secretary and the President shall further recognize the close relation of the economic welfare of the Nation to our national security, and shall take into consideration the impact of foreign competition on the economic welfare of individual domestic industries; and any substantial unemployment, decrease in revenues of government, loss of skills or investment, or

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other serious effects resulting from the displacement of any domestic products by excessive imports shall be considered, without excluding other factors, in determining whether such weakening of our internal economy may impair the national security.

Report on investigations by Secretary of Commerce; regulations

(d) A report shall be made and published upon the disposition of each request, application, or motion under subsection (b) of this section. The Secretary shall publish procedural regulations to give effect to the authority conferred on him by subsection (b) of this section.

Congressional disapproval of Presidential adjustment of imports of petroleum or petroleum products; disapproval resolution

(e)(1) An action taken by the President under subsection (b) of this section to adjust imports of petroleum or petroleum products shall cease to have force and effect upon the enactment of a disapproval resolution, provided for in paragraph (2), relating to that action.

(2)(A) This paragraph is enacted by the Congress—

(i) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedures to be followed in that House in the case of disapproval resolutions and such procedures supersede other rules only to the extent that they are inconsistent therewith; and

(ii) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

(B) For purposes of this subsection, the term "disapproval resolution" means only a joint resolution of either House of Congress the matter after the resolving clause of which is as follows: "That the Congress disapproves the action taken under section 232 of the Trade Expansion Act of 1962 with respect to petroleum imports under _____ dated _____", the first blank space being filled with the number of the proclamation, Executive order, or other Executive act issued under the authority of subsection (b) of this section for purposes of adjusting imports of petroleum or petroleum products and the second blank being filled with the appropriate date.

(C)(i) All disapproval resolutions introduced in the House of Representatives shall be referred to the Committee on Ways and Means and all disapproval resolutions introduced in the Senate shall be referred to the Committee on Finance.

(ii) No amendment to a disapproval resolution shall be in order in either the House of Representatives or the Senate, and no motion to suspend the application of this clause shall be in order in either House

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nor shall it be in order in either House for the Presiding Officer to entertain a request to suspend the application of this clause by unanimous consent.

Pub.L. 87-794, Title II, § 232, Oct. 11, 1962, 76 Stat. 877; Pub.L. 93-618, Title I, § 127(d), Jan. 3, 1975, 88 Stat. 1993; 1979 Reorg. Plan. No. 3, § 5(a)(1)(B), eff. Jan. 2, 1980, 44 F.R. 69274, 93 Stat. 1381; Pub.L. 96-223, § 402, Apr. 2, 1980, 94 Stat. 301.

Historical Note

References in Text. Section 232 of the Trade Expansion Act of 1962, referred to in subsec. (e), is this section.

Codification. Provision of subsec. (b) of this section which required the Secretary to consult with the Secretary of Commerce in the course of an investigation was omitted in view of the transfer of all functions under this section to the Secretary of Commerce. See Transfer of Functions note set out below.

1980 Amendment. Subsec. (e). Pub.L. 96-223 added subsec. (e).

1975 Amendment. Subsec. (b). Pub.L. 93-618, § 127(d)(1) to (3), substituted "Secretary of the Treasury (hereinafter referred to as the 'Secretary') for 'Director of the Office of Emergency Planning (hereinafter in this section referred to as the 'Director')", substituted "advice from, and shall consult with, the Secretary of Defense, the Secretary of Commerce, and other appropriate officers of the United States" for "advice from other appropriate departments and agencies", inserted provision for public hearings by the Secretary as part of his investigation, added requirement that the secretary report to the President, when he recommends inaction in the same way but a report to the President is required

when he recommends action under this section, and placed a 1-year time limit on the Secretary's investigation before making his recommendations to the President.

Subsec. (c). Pub.L. 93-618, § 127(d)(4), substituted "Secretary" for "Director" in two places.

Subsec. (d). Pub.L. 93-618, § 127(d)(4), substituted "Secretary" for "Director".

Transfer of Functions. "Secretary of Commerce" was substituted for "Secretary of the Treasury" in subsec. (b), in view of the transfer of all functions of the Secretary of the Treasury under this section to the Secretary of Commerce by Reorg. Plan No. 3 of 1979, § 5(a)(1)(B), 44 F.R. 69274, 93 Stat. 1381, eff. Jan. 2, 1980, as provided by section 1-107(a) of Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 993, set out as notes under section 2171 of this title.

Legislative History. For legislative history and purpose of Pub.L. 87-794, see 1962 U.S. Code Cong. and Adm. News, p. 3110. See, also, Pub.L. 93-618, 1974 U.S. Code Cong. and Adm. News, p. 7186; Pub.L. 96-223, 1980 U.S. Code Cong. and Adm. News, p. 7180.

EXECUTIVE ORDER NO. 11703

Feb. 7, 1973, 38 F.R. 3579, as amended by Ex. Ord. No. 12188, Jan. 2, 1980, 45 F.R. 989.

ASSIGNING POLICY DEVELOPMENT AND DIRECTING FUNCTIONS
RESPECTING OIL IMPORT CONTROL PROGRAM

By virtue of the authority vested in me by the Constitution and statutes of the United States, including section 301 of title 3 of the United States Code [section 101 of Title 3, The President], and as President of the United States, it is hereby ordered as follows:

Section 1. The Oil Policy Committee, reconstituted by this order, is hereby continued.

Sec. 2. The Chairman of the Oil Policy Committee shall provide policy direction,

coordination, and surveillance of the oil import control program established by Proclamation No. 3279 of March 10, 1959, as amended [set out below], including approval of regulations hereafter issued pursuant to such proclamation. He shall perform those functions after receiving the advice of the Oil Policy Committee and in accord with guidance from the Assistant to the President with responsibility in the area of economic affairs.

Sec. 3. The Oil Policy Committee shall henceforth consist of the United States